

A091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court
Southern District of Texas
FILED**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS****MAR -1 2015**

UNITED STATES OF AMERICA

V.

Santiago CORDOVA-Rodriguez

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINTCase Number: **C-15-232M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/28/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Santiago CORDOVA-Rodriguez**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

David Smith

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

David Smith
Signature of Complainant

David Smith
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested
telephonically per Fed.R.Crim.P.4.1, and probable cause found:

March 1, 2015 At 12:55pm
Date

B. Janice Ellington, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

B. Janice Ellington
Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On February 28th, 2015, at approximately 4:00 a.m., Border Patrol Agent Brandon Parsons from the Falfurrias, Texas Border Patrol Station was performing highway duties along with his partner BPA Zane Zelehoski on US Highway 281 near Falfurrias, Texas in a marked Border Patrol vehicle. At that time, Agent Parsons and Zelehoski received a report over their service radio regarding three individuals running from the brush towards the Brooks County rest area. This area is a few miles north of the Falfurrias Border Patrol Checkpoint.

Part of the radio transmission relayed that a staff member of the rest area called the checkpoint with the information. Agents working at this checkpoint know that there is a history of undocumented aliens run from the brush into the rest area to wait for a ride and try to blend in with the traveling public. Also, staff from the rest area frequently calls the checkpoint to report such activities, which result in the apprehension of undocumented aliens.

As Agent Parsons and Zelehoski responded to the rest area, they were advised by the employee that the three individuals had been picked up by a small black pick-up truck and headed northbound on US Highway 281. As the agents headed northbound on US Highway 281, they pull alongside a truck matching the exact description with Virginia license plates. The agents noticed two visible occupants in the front seats of the truck and used a flashlight to get a better look at the vehicle and occupants. They described the driver as displaying a stiff posture and was reluctant to look over and acknowledge their presence. While driving beside this vehicle, the truck slowed down to fifty miles per hour from its previous speed of seventy miles per hour. They perceived that the only variable to change the driver's speed was the presence of the marked Border Patrol vehicle.

Due to the information given to the agents, the reaction that they witnessed, and out of state license plates, they believed that the vehicle they were looking at was in fact the same vehicle. Agent Parsons then pulled behind the pickup truck and activated the emergency lights to conduct a vehicle stop and identify all occupants. As Agent Parsons approached the driver side of the truck, he noticed two individuals laying down in the backseat attempting to conceal themselves. Agent Parsons noted that it is a common tactic for alien smugglers to instruct aliens to conceal themselves in order to avoid detection by law enforcement. After an immigration inspection of the vehicle's occupants, it was determined that the front seat passenger and the two individuals laying down were illegally present in the United States. All occupants were placed under arrest and transported to the Falfurrias, Texas Border Patrol Checkpoint for processing.

Once at the Falfurrias, Texas Border Patrol Checkpoint, Border Patrol Agent Joshua Ray asked each of the four subjects for their immigration status in the United States. The driver, identified as Santiago CORDOVA-Rodriguez, stated that he was issued a Notice to Appear and that he had lived in the United States for twelve years. Without further questioning or prompting, he stated that he was just picking up his friend who was the front passenger, identified by agents as Juan HERNANDEZ-Orduna of Mexico. HERNANDEZ stated that he was in the United States illegally. The other two subjects later identified as Raul Alberto CASTRO-Castro and Erix Alfonzo CASTRO-Alvarado both stated that they were also in the United States illegally.

CORDOVA was read his Miranda Rights as per Service Form 214 by Agent Brandon Parsons and witnessed by Agent Cesar Cavazos. CORDOVA declined to make a statement without a lawyer present. No further questions were asked after he requested a lawyer.

Raul Alberto CASTRO-Castro and Erix Alfonzo CASTRO-Alvarado were read their Miranda Rights as per service form 214 by BPA David Gonzalez and witnessed by BPA Jae Park. They both stated that they understood their rights and were willing to make a statement without an attorney present. Both of these smuggled aliens were held as material witnesses in the case against CORDOVA. Juan HERNANDEZ-Orduna, the front seat passenger, was read his rights in Spanish by Agents J. Blanton and D. Crichton. HERNANDEZ declined to make a statement without a lawyer present. Due to his criminal history, HERNANDEZ was charged with Illegal Re-entry into the United States.

Raul Alberto CASTRO-Castro stated that he illegally entered the United States 15 days prior on approximately February 11, 2015. He made his smuggling arrangements in Mexico, where he agreed to pay \$1,200.00 to the smuggling organization. Once he crossed the Rio Grande river, he was taken to a house where he stayed for several days. He was picked up on Wednesday February 25, 2015 by an unknown person in a truck, taken north, and dropped off in the brush. Once in the brush, he and Erix Alfonzo CASTRO-Alvarado got separated from the group until meeting up with a man he knew as "Don". He identified "Don" as the other person in their group who was arrested with them (Juan HERNANDEZ-Orduna). "Don" told them to come with him and he would call his friend to pick all of them up. Once they got near the highway, "Don" called his friend and told him they were ready to be picked up. Moments later, they ran across the highway and got into the truck. "Don" told the two smuggled aliens to get in the back and lay down.

Erix Alfonzo CASTRO-Alvarado stated that he illegally entered the United States on February 18, 2015. He made his smuggling arrangements in Guatemala, where he and his family agreed to pay \$1,200.00 to the smuggling organization. Once he crossed the river, he was taken to a house where he stayed for a few days until being taken north and dropped off in the brush. He stated that they walked with a man named "Don" for a few days and eventually walked out of the woods. He said that once they got to the highway, "Don" told them to get in the vehicle. CASTRO-Alvarado said that the driver told them to lay down out of sight.

All four vehicle occupants were held in this case. Assistant U.S. Attorney Michael Hess was contacted regarding Santiago CORDOVA-Rodriguez and accepted prosecution of this case for violation of Title 8 USC 1324 (Alien Smuggling). Raul Alberto CASTRO-Castro and Erix Alfonzo CASTRO-Alvarado were held as material witnesses in this case. Juan HERNANDEZ-Orduna was charged with Illegal Re-entry (8 USC 1326).


David Smith
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.41, and probable cause found:


B. Janice Ellington
United States Magistrate Judge 3-1-15